

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**REGIONAL PRODUCE COOPERATIVE
CORPORATION,**

Plaintiff,

v.

TD BANK, N.A.

Defendant.

: CIVIL ACTION
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NO. 19-1883
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ORDER

AND NOW, this 24th day of March, 2020, upon consideration of Defendant TD Bank, N.A.'s Motion to Dismiss (Doc. No. 13), Plaintiff Regional Produce Cooperative Corporation's Response (Doc. No. 14), and Defendant's Reply (Doc. No. 17), and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the Motion is **GRANTED IN PART and DENIED IN PART** as follows:

1. Defendant's Motion to Dismiss Plaintiff's common law negligence claim (Count I) is **GRANTED** to the extent that this claim attempts to impose a duty of care premised on the Bank Secrecy Act (Compl. ¶ 64(l)–(m).) Defendant's Motion on Count I is denied in all other respects.
2. Defendant's Motion to Dismiss Plaintiff's statutory negligence claim (Count II) is **DENIED**.
3. Defendant's Motion to Dismiss Plaintiff's statutory conversion claim (Count III) is **DENIED**.
4. Defendant's Motion to Dismiss Plaintiff's claim for aiding and abetting conversion (Count IV) is **GRANTED**.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.